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## REMARKS

### I. Introduction

Claims 1 to 12 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicant notes with appreciation the acknowledgment of the claim for foreign priority and the indication that all of the certified copies of the priority documents have been received.

Applicant thanks the Examiner for considering the previously filed Information Disclosure Statement, PTO-1440 paper and cited references.

### II. Objection to the Drawings

The drawings were objected to under 37 C.F.R. §1.84(p)(4) because the reference character "3" was allegedly used to designate "deformable wall parts," "spring element" and a "spring tongue." Office Action at p. 2. It is submitted that the foregoing amendments to the Specification overcome the objections under 37 C.F.R. §1.84(p)(4).

The drawings were also objected to under 37 C.F.R. § 1.83(a). The Office Action alleges that the drawings do not show every feature of the invention, namely, the cleaning element of claims 1 and 3, the mop of claim 12, the mop bucket of claims 8 and 12 and the feed funnel of claim 11. Office Action at p. 2. Claim 11 has been amended so as to remove "feed" from the claim language. Further, new Figure 3, added herein, shows the mop 10, cleaning element 12 and the bucket 15. No new matter has been added. See the Specification, for example, at p. 6, lines 22 to 23, p. 8, line 12 and claim 12. Accordingly, Applicant submits that the drawings show every feature of the invention. Therefore, withdrawal of the objection to the drawings is respectfully requested.

### III. Rejection of Claims 1 to 12 under 35 U.S.C. § 112, 2<sup>nd</sup> ¶

Claims 1 to 12 were rejected under 35 U.S.C. § 112, second paragraph as indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Office Action alleges that the

terms "the exertion pressure," "the inside width," "the effective force," "the compressive force" and "the purpose," lack antecedent basis. Office Action at p. 3. Applicant has amended claim 1 to provide antecedent basis for "the exertion pressure," "the inside width," "the effective force," "the compressive force" and "the purpose".

The Office Action further alleges that the claim 1 recitation "the form of" lacks antecedent basis. Applicant respectfully disagrees. The term "form" is not an element that needs introduction. Rather, the term "form" is used as a descriptor for a properly introduced element. Therefore, Applicant submits that claim 1, as amended, overcomes the 35 U.S.C. § 112 rejection.

Regarding claims 3 and 12, the Office Action alleges that the term "tulip-shaped" is unclear. Applicant respectfully disagrees and submits that it is reasonably clear what is meant by "tulip-shaped".

The second paragraph of 35 U.S.C. § 112 merely requires that the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. As provided in M.P.E.P. § 2173.02, the "focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph is whether the claim meets the threshold requirement of clarity and precision." In this regard, the "essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity." *Id.* (emphasis added). "Definiteness of claim language must be analyzed, not in a vacuum, but in light of [, *inter alia*, the] content of the particular application disclosure [ and the] claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made." *Id.* If the claims, when read in light of the Specification, reasonably apprise those skilled in the art both of the utilization and scope of the invention, and if the language is as precise as the subject matter permits, the second paragraph of 35 U.S.C. § 112 demands no more. M.P.E.P. § 2173.05(a) (citing *Shatterproof Glass Corp. v. Libbey Owens Ford Co.*, 758 F.2d 613, 225 U.S.P.Q. 634 (Fed. Cir. 1985)). Applicant submits that it would have been reasonably clear to one of ordinary skill in the art at the time of the invention what was meant by "tulip-shaped, downward-tapering squeeze basket," as recited in claim 3, or "convexly curved spring elements (3) which form a tulip-shaped downwards tapering squeeze basket (5)," as recited in claim 12.

Further, Applicant submits that the amendments to claims 8, 9, and 10, overcome the remaining grounds of the 35 U.S.C. § 112 rejection. Therefore, withdrawal of the 35 U.S.C. § 112 and allowance of claims 1 to 12 is respectfully requested.

**IV. Rejection of Claims 1, 4, 6 to 8 and 12 Under 35 U.S.C. § 102(b)**

Claims 1, 4, 6 to 8 and 12 was rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 2,155,494 ("Kober"). Applicant respectfully submits that claims 1, 4, 6 to 8 and 12 are allowable for at least the following reasons.

Claim 1 relates to a wringing device for cleaning elements of wet and moist mops. Claim 1 recites that the wringing device has a liquid-permeable receptacle configured to be affixed to a container and to wring a cleaning element upon exertion of pressure. Claim 1 further recites that the receptacle has deformable wall parts and that an inside width of the receptacle changes when the cleaning element is pressed in due to an effective compressive force of the pressure. Claim 1 further recites that the wall parts at least prior to deformation are in the form of spring elements with convex curvature, which can be deformed by the compression force for enlarging the inside width.

Claim 12 relates to an apparatus for wet and moist mopping. Claim 12 recites that the apparatus includes a scrub mop with a mop head having liquid-absorbing strands, a mop bucket to accommodate cleaning liquid and a funnel-shaped receptacle that can be affixed to the mop bucket for squeezing out the liquid absorbed by the strands of the scrub mop. Claim 12 further recites that the receptacle has convexly curved spring elements which form a tulip-shaped downwards tapering squeeze basket in which the mop head can be inserted from above and the liquid can be wrung out of the strands by compression, said compression enlarging an inside width of the receptacle.

Kober purportedly relates to a wringing device. Kober states that the wringing device includes a resilient wringer member mounted in the wringing device. See col. 1, lines 4 to 6. Spiral springs 9 are stated to exert pressure upon the wall of an opening 8 through which an article to be wrung is passed. See col. 1, lines 36 to 40. Nowhere does Kober disclose, or even suggest, a receptacle having deformable wall

parts, wherein the wall parts at least prior to deformation are in the form of spring elements (3) with convex curvature, which can be deformed by the compression force for the purpose of enlarging the inside width, as recited in amended claim 1. Further, nowhere does Kober disclose, or even suggest, a receptacle having convexly curved spring elements which form a tulip-shaped downwards tapering squeeze basket in which the mop head can be inserted from above, as recited in amended claim 12.

The Office Action alleges that the spring elements have a convex shape when an article is being wrung. See Office Action at p. 4, line 11 of par. 5. Applicant submits that Kober does not disclose, or even suggest, wall parts that **at least prior to deformation** are in the form of spring elements with convex curvature, as recited in claim 1. Further, Kober does not disclose, or even suggest, a receptacle having convexly curved spring elements in which the mop head can be inserted, as recited in claim 12. As shown in Figure 1 of Kober, spring elements prior to deformation are planar not convex. Therefore, Kober does not disclose all of the limitations of claims 1 and 12.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). As more fully set forth above, it is respectfully submitted that Kober does not disclose, or even suggest, a receptacle having deformable wall parts, wherein the wall parts at least prior to deformation are in the form of spring elements (3) with convex curvature, which can be deformed by the compression force for the purpose of enlarging the inside width, as recited in claim 1, as amended. Further, nowhere does Kober disclose, or even suggest, a receptacle having convexly curved spring elements which form a tulip-shaped downwards tapering squeeze basket in which the mop head can be inserted from above, as recited in claim 12.

Additionally, to reject a claim under 35 U.S.C. § 102, the Examiner must demonstrate that each and every claim limitation is contained in a single prior art reference. See, Scripps Clinic & Research Foundation v. Genentech, Inc.,

18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). Still further, not only must each of the claim limitations be identically disclosed, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed invention, namely the inventions of the rejected claims, as discussed above. See, Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986). In particular, it is respectfully submitted that, at least for the reasons discussed above, the reference relied upon would not enable a person having ordinary skill in the art to practice the inventions of the rejected claims, as discussed above. Accordingly, the anticipation rejection as to the rejected claims must necessarily fail for the foregoing reasons.

To the extent that the Examiner is relying on the doctrine of inherency, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flows from the teachings of the applied art." M.P.E.P. § 2112 (emphasis in original); and see, Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or characteristic. Therefore, it is respectfully submitted that Kober does not anticipate independent claims 1 and 12. Accordingly, withdrawal of the 35 U.S.C. §102(b) rejection and allowance of independent claims 1 and 12 is respectfully requested.

As for claims 4 and 6 to 8, which ultimately depend on claim 1 and therefore include all of the limitations of claim 1, Applicant submits that these claims are patentable for at least the reasons provided above in support of the patentability of claim 1. Therefore, withdrawal of the 35 U.S.C. § 102(b) rejection and allowance of claims 4 and 6 to 8 is respectfully requested.

#### **V. Rejection of Claims 1 to 5, 7 and 9 to 12 Under 35 U.S.C. § 102(b)**

Claims 1 to 5, 7 and 9 to 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by EP 0 489 237 ("Weihrauch"). Applicant respectfully submits that claims 1 to 5, 7 and 9 to 12 are allowable for at least the following reasons.

Weihrauch purportedly relates to a wringer device. Weihrauch state that the wringer device includes a receiver 3 for a cleaning element. See p. 8, line 1. The receiver 3 is stated to consist of elastically deformable wall parts 4 which form a common base 5 with a base plate 6. See p. 8, lines 1 to 4. Weihrauch state that when

a wet cleaning element is pressed from above, the base 5 of receiver 3 is pressed downward according to arrow 10 forcing outer legs 7 inward. See p. 8, lines 12 to 16.

The legs 8 of wall parts 4 are stated to move toward each other and cause a decrease in the inner width of the insertion opening. See p. 8, lines 17 to 19.

The Office Action alleges that Weihrauch discloses an inside width-changing when the cleaning element is pressed in. See Office Action at p. 5, line 8 of par. 6. The Office Action does not allege, however, nor does Weihrauch disclose, or even suggest, deformable wall parts which can be deformed by the compression force for the purpose of enlarging the inside width of the receptacle, as recited in claim 1, and convexly curved spring elements which form a tulip-shaped downwards tapering squeeze basket in which the mop head can be inserted from above and the liquid can be wrung out of the strands by compression, said compression enlarging an inside width of the receptacle, as recited in amended claim 12. As indicated above, legs 8 of wall parts 4 are stated to move toward each other and cause a decrease in the inner width of the insertion opening. See p. 8, lines 17 to 19. Therefore, Weihrauch does not disclose all of the limitations of claims 1 and 12. It is respectfully submitted, therefore, that Weihrauch does not anticipate claims 1 and 12.

As for claims 2 to 5, 7 and 9 to 11, which ultimately depend on claim 1 and therefore include all of the limitations of claim 1, Applicant submits that these claims are patentable for at least the reasons provided above in support of the patentability of claim 1. Therefore, withdrawal of the 35 U.S.C. § 102(b) rejection and allowance of claims 2 to 5, 7 and 9 to 11 is respectfully requested.

#### **VI. Provisional Double Patenting Rejection of Claim 11**

Claim 11 stands provisionally rejected under 35 U.S.C. § 101 based on double patenting in view of claims 19 and 20 of co-pending application no. 10/052,676. Applicant respectfully submits that claim 11 is allowable for at least the following reasons.

To establish statutory double patenting, the Examiner must show that the claims in the issued patent and the pending application cannot be literally infringed without literally infringing one another. See In re Vogel, 422 F.2d 438, 164 U.S.P.Q. 619 (C.C.P.A. 1970). The Office Action does not present such a showing

and, therefore, fails to present a prima facie case of same-invention double patenting. Therefore, withdrawal of the rejection under 35 U.S.C. § 101 is respectfully requested.

Notwithstanding the above, Applicant submits that at least the claim 1 recitation of "wall parts at least prior to deformation are in the form of spring elements (3) with convex curvature, which can be deformed by the compression force for the purpose of enlarging the inside width" of the receptacle is not recited in claims 19 and 20 of co-pending Application No. 09/960,213. Claim 11 ultimately depends on claim 1. Therefore, withdrawal of the rejection of claim 11 under 35 U.S.C. § 101 is respectfully requested.

**VII. Conclusion**

Applicant respectfully submits that all of the pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

Dated: 9/15/03

  
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